

3.14 CULTURAL RESOURCES

Changes to this section include clarification of the native plant survey, a factual correction regarding a recommended mitigation measure, and the addition of mitigation measures as recommended by the U.S. Corps of Engineers. The following information has been updated in the Final EIS.

3.14.3 Impacts of the Proposed Action

- On Page 3.14-9 of the Draft EIS, the third paragraph should be deleted and replaced with the following text.

BOAS, Inc. recorded no cultural resources in this area. The Lummi Indian Nation's second native plant survey has not been completed, however. The results of this study may identify traditional resources in this area. According to the Applicant, the archaeological survey for the Access Road No. 1 area included all but the northern 50 feet of the access road right-of-way (BP 2004).

3.14.6 Mitigation Measures

- On Page 3.14-11 of the Draft EIS, the word "intact" should be deleted from the first sentence in the fourth full paragraph.
- On Page 3.14-11 of the Draft EIS, the last paragraph should be deleted and replaced with the following text.

The Applicant completed archaeological and native plant surveys at the site of detention pond 2 and its apron, the refinery interface area, and Access Road 3. The Corps reviewed the survey report and made a determination of No Historic Properties Affected. The report and the Corps' determination have been forwarded to the State Historic Preservation Office (SHPO) for review and concurrence. In a letter dated June 14, 2004, SHPO concurred with the Corps' definition of the Area of Potential Effect (APE) and determination of No Historic Properties Affected.

The Applicant will complete additional surveys within the industrial or sanitary wastewater pipelines, Alcoa water pipeline route, and the wetland mitigation areas (CMA 1 and CMA 2) after further design studies but before the start of construction. If no significant archaeological resources are discovered or if the resources would not be affected by the project, mitigation would not be necessary. If significant resources were found and would be affected by the project, the Corps would propose the following measures as conditions to the project 404 permit:

- A professional archaeologist will be onsite to monitor for the presence of archaeological resources during all ground-disturbing construction within the permit area, including CMA 1 and CMA 2.

- A summary report of the findings of the archaeological monitoring or status report will be submitted to the Corps' Seattle District, Regulatory Branch; EFSEC; SHPO; and Lummi Indian Nation within 13 months of permit issuance.
- If human remains or archaeological resources are encountered during construction, all disturbing activities will be immediately stopped in the immediate area and the Applicant shall (within one day of discovery) notify the Corps, EFSEC, SHPO, and Lummi Indian Nation. The Applicant will perform any work required by the Corps in accordance with Section 106 of the National Historic Preservation Act and Corps regulations.
- The remaining or follow-up native plant study will be conducted within the project area and mitigation areas prior to construction and during the growing season. Prior to construction, the study report will be submitted to the Corps and Lummi Indian Nation Cultural Resources Department. After the Corps and the Lummi Cultural Resources Department have reviewed the report, the mitigation plans will be updated to reflect the planting of suitable vegetation within the mitigation and restoration areas.